



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210

Agent's Direct Dial: (336)582-7138

April 29, 2020

(b) (6), (b) (7)(C)

Re: Duke Hospital
Inquiry (b) (6), (b) (7)(C)

Dear (b) (6), (b) (7)(C):

Pursuant to our conversation, enclosed is a Charge Against Employer form. If you wish to file this charge with us, please do the following:

- ✓ Make any necessary corrections on the form
- ✓ Fill in any incomplete spaces
- ✓ Sign and date the form where indicated at the bottom
- ✓ Return the form to the above address or fax number

You may also wish to keep a copy of the charge for yourself. Once we receive a signed charge from you, we will give it a case number and assign a Board agent to investigate the case. We will then send you a letter telling you the case number and the name of the investigator.

Please remember that to be timely, your charge must be filed **and served on the charged party** within six months of the alleged unlawful actions. We normally send a copy of the charge to the charged party, but if you are running close to the 6-month deadline, be advised that it is your responsibility to see that the Employer receives a copy of the charge within the 6-month period. Feel free to contact me if you have any questions or need further assistance. If I am not in, please ask to speak to the Information Officer.

Very truly yours,

Timothy Mearns
Attorney

Enclosure

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
10-CA-259740	4/29/20

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Duke Hospital		b. Tel. No. (919)684-8111
		c. Cell No.
d. Address (street, city, state ZIP code) 2301 Erwin Road, Durham, NC 27710	e. Employer Representative Alex Sadaria	f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Durham, NC
i. Type of Establishment (factory, nursing home, hotel) Hospital	j. Principal Product or Service Hospital Services	k. Number of workers at dispute location 100
l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Around (b) (6), (b) (7)(C), 2020, the Employer discharged employee (b) (6), (b) (7)(C) because of (b) (6) union activities.		

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.**4d. Fax No.****4e. e-Mail**

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.**Fax No.****e-Mail**

(b) (6), (b) (7)(C)

By:

(sig)

(b) (6), (b) (7)(C)

Print Name and Title

Date:

4-29-20

Address: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes. (b) (6), (b) (7)(C)



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April 29, 2020

Alex Sadaria
Duke Hospital
2301 Erwin Rd
Durham, NC 27710

Re: Duke Hospital
Case 10-CA-259740

Dear Alex Sadaria:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JENNIFER G. CORBIN whose telephone number is (336)582-7131. If this Board agent is not available, you may contact Deputy Regional Attorney LISA R. SHEARIN whose telephone number is (336)582-7142.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions

about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Terry D. Combs
Acting Regional Director

By:

A handwritten signature in black ink, appearing to read "Scott C. Thompson", written over a light blue rectangular background.

Scott C. Thompson
Officer in Charge

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

10-CA-259740

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

DUKE HOSPITAL

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 10-CA-259740

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on **April 29, 2020**, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Alex Sadaria
Duke Hospital
2301 Erwin Rd
Durham, NC 27710

April 29, 2020

Date

Kevin S. Crawford, Designated Agent of NLRB

Name

/s/ Kevin S. Crawford

Signature



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April 29, 2020

(b) (6), (b) (7)(C)

Re: Duke Hospital
Case 10-CA-259740

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on April 29, 2020 has been docketed as case number 10-CA-259740. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JENNIFER G. CORBIN whose telephone number is (336)582-7131. If this Board agent is not available, you may contact Deputy Regional Attorney LISA R. SHEARIN whose telephone number is (336)582-7142.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Very truly yours,

Terry D. Combs
Acting Regional Director

By:

A handwritten signature in black ink, appearing to read "Scott C. Thompson", written over a light blue rectangular background.

Scott C. Thompson
Officer in Charge

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Duke University Hospital

and

CASE 10-CA-259740

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Duke University Hospital

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: C. Thomas Davis

MAILING ADDRESS: Ogletree Deakins Law Firm, 401 Commerce Street, Suite 1200, Nashville, TN 37219

E-MAIL ADDRESS: tom.davis@ogletreedeakins.com

OFFICE TELEPHONE NUMBER: (615) 254-1900

CELL PHONE NUMBER: _____ FAX: (615) 254-1908

SIGNATURE: /s/ Tom Davis

DATE: (Please sign in ink.) April 30, 2020

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE

Notes



Hello this is (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) I'm (b) (6), (b) (7)(C)

employee I'm (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) in this the

department just wanted

to give you some

information. This is the

Second Time I've been

Discharged for No

reason without 100%

Proof or Justification

why I've been

terminated and let Go

within a 6-7month

spand I've been


Targeted and Harassed

from Chrothal

management for the

second time it's not fair



 Notes

**that they keep
retaliating against Me
because of the last case
and situation that they
discharged me from 7
months ago it haven't
even been a full year So
there holding that
against me and
Targeting Me off my
Discharge previously.
I'm not happy and I've
already reached out to
WRAL News, Channel 11
News they are Excited to
take my story! how
employees are being
harassed by
Management at Duke**



**hospital the first time I
backed out with this..
This time I'm going
through with it Please if
you have any questions
Contact Me**

(b) (6), (b) (7)(C)

From: Corbin, Jennifer
To: (b) (6), (b) (7)(C)
Subject: RE: 10-CA-259740 Duke Hospital
Date: Wednesday, May 6, 2020 12:36:00 PM

NLRB now requires electronic filing of documents. See [GC Memo 20-01](#) on the Agency's website. Regions have been instructed not to accept documents emailed directly by parties to Regional personnel absent extraordinary circumstances. Written instructions for the NLRB's E-Filing system are available at www.nlr.gov. See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and [frequently asked questions](#) are also available at www.nlr.gov. Use this link to E-File documents: <https://apps.nlr.gov/eservice/efileterm.aspx>

From: Corbin, Jennifer
Sent: Monday, May 4, 2020 11:55 AM
To: (b) (6), (b) (7)(C)
Subject: RE: 10-CA-259740 Duke Hospital

(b) (6), (b) (7)(C)

Thanks for talking to me today and giving me a general overview of what your case entails. Please gather and e-file the following, and any additional items your feel are relevant, as evidence for your case:

- A copy of the Union contract (if you don't have this, I can probably get it from the Employer or Union)
- A copy of your discharge paperwork issued by the Employer
- Copies of statements from any employees who dispute the Employer's contentions that you were not at work (include their name, address, phone number and email address) and would testify that you were at work
- A copy of your grievance, and any other documents the Union has provided to you
- Copies of any emails you have sent to the Employer since your discharge
- Copies of any email you have sent to the Union since your discharge

If there is anything else that you think is important, add that as well.

Regions have been instructed not to accept documents emailed directly by parties to Regional personnel absent extraordinary circumstances. For instructions on e-filing documents, please also see [Frequently Asked Questions](#) and [E-File Live Demo](#). Use this link to E-File documents: <https://apps.nlr.gov/eservice/efileterm.aspx>

Thank you-

From: Corbin, Jennifer
Sent: Sunday, May 3, 2020 10:03 PM

To: (b) (6), (b) (7)(C)

Subject: 10-CA-259740 Duke Hospital

(b) (6), (b) (7)(C)

Is there a good time this week for me to call you and discuss your case?

Has there been a grievance filed? If so, get a copy of the grievance and e-file it for evidence in your case. I would like to look at it, and any other relevant documents prior to talking to you.

If you need help e-filing your evidence, please let me know.

Thank you-

Jennifer Corbin, Board Agent
National Labor Relations Board, Subregion 11
4035 University Parkway, Suite 200
Winston-Salem, NC 27106
336.582.7131 Office
336.631.5210 Fax

that the manager gave (b) (6), (b) (7)(C) permission to work the area. So tell me this two people working the the same exact area and the same exact hours but only one of them had the email that the manager sent to (b) (6), (b) (7)(C) phone about working the area and that's the one that got fired but no one took the time or gave (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) an opportunity to present this information that (b) (6), (b) (7)(C) had before they fired (b) (6), (b) (7)(C) so that's why I am truly 110% sure this was done against me and to get back at me.

[Sent from Yahoo Mail on Android](#)

 Inbox

Retaliation From (b) (6), (b) (7)(C)

I've been employed at Duke Medical Center for (b) (6), (b) (7)(C) years only been (b) (6), (b) (7)(C) about (b) (6), (b) (7)(C) I came into the job willing to learn something new only for it to turn into a disaster. This whole nightmare started because I took a job that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) promised a employee that had been doing the job for (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) years and was getting out of area pay and also fixing the floor equipment when it broke down this employee told me that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) had promised (b) (6), (b) (7)(C) the (b) (6), (b) (7)(C) job. And (b) (6), (b) (7)(C) also told me that (b) (6), (b) (7)(C) was fixing their cars and not charging them .and then when they posted the job that's how I ended up with it. The employee was very angry (b) (6), (b) (7)(C) trained me one day and then the next day



 Inbox

Retaliation From (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) told me that (b) (6), (b) (7)(C) was on strike and I was asking (b) (6), (b) (7)(C) what do you mean and then (b) (6), (b) (7)(C) began to tell me that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) promised (b) (6), (b) (7)(C) the (b) (6), (b) (7)(C) job and went into details about what they promised .I stumbled across (b) (6), (b) (7)(C) that was letting the employees (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) do what they want to do anywhere from falsification of time . Also letting them leave the job to purchase alcohol while on the clock all of this came out. (b) (6), (b) (7)(C) also turn the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) against me (b) (6), (b) (7)(C) was taking me to where they would be hiding out and was telling them that I was bringing (b) (6), (b) (7)(C) to the specific areas where they would be hiding I knew nothing about these areas because I had just started the position and (b) (6), (b) (7)(C) also help an employee work 400 hours grossed \$7,000 and



 Inbox

Retaliation From (b) (6), (b) (7)(C)

brought home a \$5,000 check .

Also (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) started to harassing me on the job (b) (6), (b) (7)(C) was getting me to do different jobs that (b) (6), (b) (7)(C) said was not union jobs

Because one day I got a call from (b) (6), (b) (7)(C) to meet (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) on the floor so they can show me a certain project that they wanted me to do (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) had no idea that I had arrived on the floor and I overheard (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) telling (b) (6), (b) (7)(C)

yes I've been getting (b) (6), (b) (7)(C) to clean a certain area that's not a union job this is what (b) (6), (b) (7)(C) stated and then they both began to laugh about the situation. So when I got to the point when I was Fed Up about how I was being treated I scheduled a meeting after the meeting they



 Inbox

Retaliation From (b) (6), (b) (7)(C)

move me to be (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) I

absolutely love the area and
also love my current manager.

But I knew that it wasn't over
because all of the stuff that I
had uncovered .I knew it was
going to be some type of
retaliation .Months went by and

I was in the office one day
speaking with an employee and

(b) (6), (b) (7)(C) was like I did not know that a

(b) (6), (b) (7)(C) was (b) (6), (b) (7)(C)

meanwhile (b) (6), (b) (7)(C) was
also in (b) (6), (b) (7)(C) office and overheard

the conversation and (b) (6), (b) (7)(C)

stepped to the door and (b) (6), (b) (7)(C)

asked who did you say was (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) and I said (b) (6), (b) (7)(C)

and (b) (6), (b) (7)(C) said it's good
to know and went back into (b) (6), (b) (7)(C)

office .When (b) (6), (b) (7)(C) said
that it brought chills all over my

body. Because I knew that (b) (6), (b) (7)(C)

was upset that I had uncovered



 Inbox

Retaliation From (b) (6), (b) (7)(C)

alot of falsification of time and a lot of stuff that some managers we're doing after a while

(b) (6), (b) (7)(C) goes on (b) (6), (b) (7) shift

then (b) (6), (b) (7) started harassing (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) started going

around telling people about 5

people that (b) (6), (b) (7) specifically came

to (b) (6), (b) (7)(C) shift to fire. (b) (6), (b) (7)(C)

began to harass (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) to where (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) finally told me about what

was going on so I took it upon

myself to speak with the (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) about what was going

on. And I informed (b) (6), (b) (7)(C)

to ask (b) (6), (b) (7)(C) to back off

from (b) (6), (b) (7)(C) and (b) (6), (b) (7) said well

you know I understand you as

being (b) (6), (b) (7)(C) and you're

concerned about (b) (6), (b) (7)(C) and if

(b) (6), (b) (7)(C) is having any

problems with any of the

management (b) (6), (b) (7) should come to

me. And in my mind I'm like wow



 Inbox

Retaliation From (b) (6), (b) (7)(C)



me. And in my mind I'm like wow no (b) (6), (b) (7)(C) should not come to you because you and (b) (6), (b) (7)(C) are buddies so I express to (b) (6), (b) (7)(C) that if (b) (6), (b) (7)(C) did not tell (b) (6), (b) (7)(C) to back off that I would be contacting (b) (6), (b) (7)(C) and letting (b) (6), (b) (7)(C) know about (b) (6), (b) (7)(C) how (b) (6), (b) (7)(C) asking some of the employees (b) (6), (b) (7)(C) to send naked pictures of themselves and also telling them to put on (b) (6), (b) (7)(C) and send pictures (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) phone. (b) (6), (b) (7)(C) informed me that I was blackmailing (b) (6), (b) (7)(C) I asked (b) (6), (b) (7)(C) how was I doing that when I never went to (b) (6), (b) (7)(C) I'm coming to you because you're (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) replied if you go to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) all (b) (6), (b) (7)(C) going to ask you is why didn't (b) (6), (b) (7)(C) come forth and why did you come for




 Inbox

Retaliation From (b) (6), (b) (7)(C)

them. And I told (b) (6), (b) (7)(C) that they were scared and and they did not want to lose their jobs so I ended the conversation with (b) (6), (b) (7)(C) and told (b) (6), (b) (7)(C) that's okay because karma is something else and I proceeded to walk out the door. 2 weeks later (b) (6), (b) (7)(C) resigned because one of (b) (6), (b) (7)(C) brought sexual harassment charges against (b) (6), (b) (7)(C). I'm thinking things are going to go back to normal but I knew it wasn't. BECAUSE a lot of things had gotten exposed concerning (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). I knew at this point that (b) (6), (b) (7)(C) had it in for me so (b) (6), (b) (7)(C) figured if (b) (6), (b) (7)(C) could not get to me (b) (6), (b) (7)(C) would get (b) (6), (b) (7)(C). I was telling (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) needed to watch (b) (6), (b) (7)(C) and I also informed (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) shift was the only shift that did not ask the employees to sign a sheet



 Inbox

Retaliation From (b) (6), (b) (7)(C)

to work overtime and I was letting (b) (6), (b) (7)(C) know that first and second shift it was told to me that it was mandatory for everyone to sign a sign up sheet if you want it to work overtime (b) (6), (b) (7)(C) informed me that the (b) (6), (b) (7)(C) years that (b) (6), (b) (7)(C) been on (b) (6), (b) (7) shift that they never had to sign a sign up sheet they always done it by word of mouth or a text message. Months after that (b) (6), (b) (7)(C) was telling me that (b) (6), (b) (7) was fired. (b) (6), (b) (7) was not given an opportunity to present anything that (b) (6), (b) (7) had proof of the manager telling (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) could work they did not let (b) (6), (b) (7)(C) tell (b) (6), (b) (7) side of the story they just fired (b) (6), (b) (7)(C). Well as you know. After that things started to get real and two and a half weeks later after (b) (6), (b) (7)(C) fired they bring (b) (6), (b) (7)(C) back to work. And like I said (b) (6), (b) (7) has proof about emails



 Inbox

Retaliation From (b) (6), (b) (7)(C)

On last week I had a meeting with (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) to discuss some things that were going on I also discuss (b) (6), (b) (7)(C) one of (b) (6), (b) (7)(C) that was fired from Duke for given time to an employee that (b) (6), (b) (7)(C) and that's how (b) (6), (b) (7)(C) got fired from Duke for falsification of time and you all hired (b) (6), (b) (7)(C) at crothall I also (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C) that used to work for Duke and was fired from duke for embezzlement I also disgust a couple of weeks ago (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) telling an employee to get the f*** out the office and the employee said it back to (b) (6), (b) (7)(C) and then (b) (6), (b) (7)(C) got out of (b) (6), (b) (7)(C) seat and gets in the employee's face wow. Because employee repeated what (b) (6), (b) (7)(C) said to (b) (6), (b) (7)(C). The employee told me



 Inbox

Retaliation From (b) (6), (b) (7)(C)

that (b) (6), (b) (7)(C) had a meeting with (b) (6), (b) (7)(C) and said. I heard that your a work and don't won't to let you go. So as a result of all the things that (b) (6), (b) (7)(C) was going through with Management. I was told (b) (6), (b) (7)(C) decided to quit. So I was told it was going to be investigated so I'm going to explain to you how retaliation work after my meeting on last week I was doing my normal (b) (6), (b) (7)(C) work remind you I have been doing this the whole time since they took me from working with the floor guys or about (b) (6), (b) (7)(C) months or more I'm standing beside the dispatcher waiting on (b) (6), (b) (7)(C) to get off the phone so I can ask (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) want me to check some rooms this is a routine that I have been doing every since I became (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) over the (b) (6), (b) (7)(C)



 Inbox

Retaliation From (b) (6), (b) (7)(C)

I'm standing beside (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) was having a lot of calls so I waited till they were done and usually the dispatcher will tell me the rooms that they want to check or they will have a list for me. So on this particular day October 8th (b) (6), (b) (7)(C) decide to ask me to step into the hallway for a second and then (b) (6), (b) (7)(C) proceeded to tell me that I'm hovering over the this batch person and then I asked (b) (6), (b) (7)(C) did (b) (6), (b) (7)(C) say something to you and (b) (6), (b) (7)(C) said yes and (b) (6), (b) (7)(C) said I would not want you hovering over me either and then (b) (6), (b) (7)(C) proceeded to ask me who told you to stand there remind you I have been doing this for almost (b) (6), (b) (7)(C) or so. All of a sudden (b) (6), (b) (7)(C) is going to ask me who told me to do this when (b) (6), (b) (7)(C) has seen me doing this for months. So I



 Inbox

Retaliation From (b) (6), (b) (7)(C)

informed (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) told me to do this. So (b) (6), (b) (7)(C) proceeded to tell me that (b) (6), (b) (7)(C) will be having a conversation with them. So I'm reminding you all that retaliation is real because (b) (6), (b) (7)(C) have seen me doing this but now all of a sudden I'm pretty sure someone in management have said something to (b) (6), (b) (7)(C) because I informed them about (b) (6), (b) (7)(C) poor choice of words towards an employee. So with all of the things that I have been through I'm going to need for you to remove (b) (6), (b) (7)(C) from Duke because I have had enough!!! I'm also asking you to remove (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) I'm going to give you all an opportunity to fix it. Immediately!



From: (b) (6), (b) (7)(C)
To: Corbin, Jennifer
Subject: Re: 10-CA-259740 Duke Hospital and 10-CB-260225 AFSCME 77
Date: Friday, May 15, 2020 11:16:40 AM

Ok that works out fine

Sent from my iPhone

On May 15, 2020, at 10:28 AM, Corbin, Jennifer <Jennifer.Corbin@nlrb.gov> wrote:

(b) (6), (b) (7)(C) -

I don't see anything additional added to your file. Want this weekend to gather and upload it- and then we can talk **Monday at 3pm** and I can take your statement for these cases?

Let me know if that date/time will work.

Thanks-

From: Corbin, Jennifer
Sent: Wednesday, May 13, 2020 3:56 PM
To: (b) (6), (b) (7)(C)
Subject: RE: 10-CA-259740 Duke Hospital

(b) (6), (b) (7)(C) -

I see that you have added a statement (maybe from (b) (6), (b) (7)(C)), and a text message to your file.

I don't see any of the below in the file:

- A copy of the Union contract (if you don't have this, I can probably get it from the Employer or Union)
- A copy of your discharge paperwork issued by the Employer
- Copies of statements from any employees who dispute the Employer's contentions that you were not at work (include their name, address, phone number and email address) and would testify that you were at work
- A copy of your grievance, and any other documents the Union has provided to you
- Copies of any emails you have sent to the Employer since your discharge
- Copies of any emails you have sent to the Union since your discharge

Do you have any of the above that you would like to present as evidence for your case? I am available to talk tomorrow if you are available.

From: Corbin, Jennifer

Sent: Wednesday, May 6, 2020 1:37 PM
To: (b) (6), (b) (7)(C)
Subject: RE: 10-CA-259740 Duke Hospital

NLRB now requires electronic filing of documents. See [GC Memo 20-01](#) on the Agency's website. Regions have been instructed not to accept documents emailed directly by parties to Regional personnel absent extraordinary circumstances. Written instructions for the NLRB's E-Filing system are available at www.nlr.gov. See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and [frequently asked questions](#) are also available at www.nlr.gov. Use this link to E-File documents: <https://apps.nlr.gov/eservice/efileterm.aspx>

From: Corbin, Jennifer
Sent: Monday, May 4, 2020 11:55 AM
To: (b) (6), (b) (7)(C)
Subject: RE: 10-CA-259740 Duke Hospital

(b) (6), (b) (7)(C) -

Thanks for talking to me today and giving me a general overview of what your case entails. Please gather and e-file the following, and any additional items you feel are relevant, as evidence for your case:

- A copy of the Union contract (if you don't have this, I can probably get it from the Employer or Union)
- A copy of your discharge paperwork issued by the Employer
- Copies of statements from any employees who dispute the Employer's contentions that you were not at work (include their name, address, phone number and email address) and would testify that you were at work
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If there is anything else that you think is important, add that as well.

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Thank you-

From: Corbin, Jennifer

Sent: Sunday, May 3, 2020 10:03 PM

To: (b) (6), (b) (7)(C)

Subject: 10-CA-259740 Duke Hospital

(b) (6), (b) (7)(C)

Is there a good time this week for me to call you and discuss your case?

Has there been a grievance filed? If so, get a copy of the grievance and e-file it for evidence in your case. I would like to look at it, and any other relevant documents prior to talking to you.

If you need help e-filing your evidence, please let me know.

Thank you-

Jennifer Corbin, Board Agent
National Labor Relations Board, Subregion 11
4035 University Parkway, Suite 200
Winston-Salem, NC 27106
336.582.7131 Office
336.631.5210 Fax

From: (b) (6), (b) (7)(C)
To: [Corbin, Jennifer](#)
Subject: Re: 10-CA-259740 Duke Hospital and 10-CB-260225 AFSCME 77
Date: Tuesday, May 19, 2020 9:03:40 AM

Hey I sent the documents from Yesterday that we talked about on the phone

Sent from my iPhone

On May 18, 2020, at 12:09 PM, Corbin, Jennifer <Jennifer.Corbin@nlrb.gov> wrote:

I am available at 1:30pm today if earlier works for you.
If not, I will call you at 3pm.
Thanks-

From: (b) (6), (b) (7)(C)
Sent: Friday, May 15, 2020 12:15 PM
To: Corbin, Jennifer <Jennifer.Corbin@nlrb.gov>
Subject: Re: 10-CA-259740 Duke Hospital and 10-CB-260225 AFSCME 77

Ok that works out fine

Sent from my iPhone

On May 15, 2020, at 10:28 AM, Corbin, Jennifer
<Jennifer.Corbin@nlrb.gov> wrote:

(b) (6), (b) (7)(C)

I don't see anything additional added to your file. Want this weekend to gather and upload it- and then we can talk **Monday at 3pm** and I can take your statement for these cases?
Let me know if that date/time will work.
Thanks-

From: Corbin, Jennifer
Sent: Wednesday, May 13, 2020 3:56 PM
To: (b) (6), (b) (7)(C)
Subject: RE: 10-CA-259740 Duke Hospital

(b) (6), (b) (7)(C)

I see that you have added a statement (maybe from (b) (6), (b) (7)(C) and a text message to your file.

I don't see any of the below in the file:

- A copy of the Union contract (if you don't have this, I can probably get it from the Employer or Union)
- A copy of your discharge paperwork issued by the Employer
- Copies of statements from any employees who dispute the Employer's contentions that you were not at work (include their name, address, phone number and email address) and would testify that you were at work
- A copy of your grievance, and any other documents the Union has provided to you
- Copies of any emails you have sent to the Employer since your discharge
- Copies of any emails you have sent to the Union since your discharge

Do you have any of the above that you would like to present as evidence for your case? I am available to talk tomorrow if you are available.

From: Corbin, Jennifer

Sent: Wednesday, May 6, 2020 1:37 PM

To: (b) (6), (b) (7)(C)

Subject: RE: 10-CA-259740 Duke Hospital

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See [GC Memo 20-01](#) on the Agency's website. Regions have been instructed not to accept documents emailed directly by parties to Regional personnel absent extraordinary circumstances. Written instructions for the NLRB's E-Filing system are available at www.nlr.gov. See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and [frequently asked questions](#) are also available at www.nlr.gov. Use this link to E-File documents: <https://apps.nlr.gov/eservice/efileterm.aspx>

From: Corbin, Jennifer

Sent: Monday, May 4, 2020 11:55 AM

To: (b) (6), (b) (7)(C)

Subject: RE: 10-CA-259740 Duke Hospital

(b) (6), (b) (7)(C)

Thanks for talking to me today and giving me a general overview of what your case entails. Please gather and e-file the following, and any additional items your feel are relevant, as evidence for your case:

- A copy of the Union contract (if you don't have this, I can probably get it from the Employer or Union)
- A copy of your discharge paperwork issued by the Employer
- Copies of statements from any employees who dispute the Employer's contentions that you were not at work (include their name, address, phone number and email address) and would testify that you were at work
- A copy of your grievance, and any other documents the Union has provided to you
- Copies of any emails you have sent to the Employer since your discharge
- Copies of any email you have sent to the Union since your discharge

If there is anything else that you think is important, add that as well.

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Thank you-

From: Corbin, Jennifer
Sent: Sunday, May 3, 2020 10:03 PM
To: (b) (6), (b) (7)(C)
Subject: 10-CA-259740 Duke Hospital

(b) (6), (b) (7)(C)

Is there a good time this week for me to call you and discuss your case? Has there been a grievance filed? If so, get a copy of the grievance and e-file it for evidence in your case. I would like to look at it, and any other relevant documents prior to talking to you.
If you need help e-filing your evidence, please let me know.

Thank you-

Jennifer Corbin, Board Agent

National Labor Relations Board, Subregion 11
4035 University Parkway, Suite 200
Winston-Salem, NC 27106
336.582.7131 Office
336.631.5210 Fax

1

From: (b) (6), (b) (7)(C), (b) (7)(D)
To: [Corbin, Jennifer](mailto:Jennifer.Corbin@nllrb.gov)
Subject: Re: Duke 10-CA-259740 AFSCME Local 77 10-CB-260225
Date: Thursday, May 28, 2020 8:12:57 AM

Ok thank you!

Sent from my iPhone

On May 27, 2020, at 3:46 PM, Corbin, Jennifer <Jennifer.Corbin@nllrb.gov> wrote:

(b) (6), (b) (7)(C), (b) (7)(D)

I will meet with the committee about your cases soon and let you know their response.

Thank you-

From: Corbin, Jennifer
Sent: Wednesday, May 27, 2020 1:20 PM
To: (b) (6), (b) (7)(C), (b) (7)(D)
Subject: RE: Duke 10-CA-259740 AFSCME Local 77 10-CB-260225

Jennifer Corbin, Board Agent
National Labor Relations Board, Subregion 11
4035 University Parkway, Suite 200
Winston-Salem, NC 27106
336.582.7131 Office
336.631.5210 Fax

From: Corbin, Jennifer
Sent: Tuesday, May 26, 2020 9:15 AM
To: (b) (6), (b) (7)(C), (b) (7)(D)
Subject: RE: Duke 10-CA-259740 AFSCME Local 77 10-CB-260225

I wanted to see if you have reviewed this. I need it returned as soon as possible.
Thanks-

From: Corbin, Jennifer
Sent: Wednesday, May 20, 2020 3:58 PM
To: (b) (6), (b) (7)(C), (b) (7)(D)

Subject: Duke 10-CA-259740 AFSCME Local 77 10-CB-260225

<image002.jpg>

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website:
www.nlr.gov
Telephone: (336)631-5201
Fax: (336)631-5210

Re: Duke Hospital
Case 10-CA-259740

AFSCME Local 77 (Duke
Hospital)
Case 10-CB-260225

Dear (b) (6), (b) (7)(C), (b) (7)(D) :

(b) (6), (b) (7)(C), 7(D)



Thank you very much for your anticipated cooperation.

If you have any questions concerning this letter, please contact me at (336)582-7131.

Jennifer Corbin, Board Agent
National Labor Relations Board, Subregion 11
4035 University Parkway, Suite 200
Winston-Salem, NC 27106
336.582.7131 Office
336.631.5210 Fax



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 10
233 Peachtree St NE
Harris Tower Ste 1000
Atlanta, GA 30303-1504

Agency Website: www.nlrb.gov
Telephone: (404)331-2896
Fax: (404)331-2858

Agent's Direct Dial: (470)343-7487

May 11, 2020

(b) (6), (b) (7)(C)

Re: AFSCME Local 77
Inquiry (b) (6), (b) (7)(C)

Dear (b) (6), (b) (7)(C)

Pursuant to our conversation, enclosed is a Charge Against Labor Organization form. If you wish to file this charge with us, please do the following:

- ✓ Make any necessary corrections on the form
- ✓ Fill in any incomplete spaces
- ✓ Sign and date the form where indicated at the bottom
- ✓ Return the form to the above address or fax number

You may also wish to keep a copy of the charge for yourself. Once we receive a signed charge from you, we will give it a case number and assign a Board agent to investigate the case. We will then send you a letter telling you the case number and the name of the investigator.

Please remember that to be timely, your charge must be filed **and served on the charged party** within six months of the alleged unlawful actions. We normally send a copy of the charge to the charged party, but if you are running close to the 6-month deadline, be advised that it is your responsibility to see that the Union receives a copy of the charge within the 6-month period. Feel free to contact me if you have any questions or need further assistance. If I am not in, please ask to speak to the Information Officer.

Very truly yours,

Kami Kimber
Field Attorney

Enclosure

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		10-CB-260225	5/11/20
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name AFSCME Local 77		b. Union Representative to Contact (b) (6), (b) (7)(C)	
c. Address 1823 Chapel Hill Rd B, Durham, NC 27707		d. Tel. No. (919)493-2408	e.e. Cell No.
		f. Fax No.	g. e-Mail (b) (6), (b) (7)(C)@local-77.org
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since about (b) (6), (b) (7)(C), 2020, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process the grievance of (b) (6), (b) (7)(C) regarding (b) (6) discharge for arbitrary or discriminatory reasons or in bad faith.			
3. Name of Employer Duke Hospital		4a. Tel. No.	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 2301 Erwin Rd, Durham, NC 27710		6. Employer representative to contact Alex Sadaria	
7. Type of Establishment (factory, mine, wholesaler) Hospital	8. Principal product or service Medical services	9. Number of Workers employed 100	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	11b. Cell No.
		11c. Fax No.	11d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
(b) (6), (b) (7)(C)		that the statements therein are true to the best of my knowledge and belief.	
By	(b) (6), (b) (7)(C)	Tel No.	
(s)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	
Print/type name and title or office, if any		Cell No.	
(b) (6), (b) (7)(C)		Date: 5-11-20	Fax No.
		e-Mail (b) (6), (b) (7)(C)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes. (b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210



Download
NLRB
Mobile App

May 12, 2020

(b) (6), (b) (7)(C)
AFSCME Local 77
1823 Chapel Hill Rd B
Durham, NC 27707

Re: AFSCME Local 77 (Duke Hospital)
Case 10-CB-260225

Dear **(b) (6), (b) (7)(C)**:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JENNIFER G. CORBIN whose telephone number is (336)582-7131. If this Board agent is not available, you may contact Deputy Regional Attorney LISA R. SHEARIN whose telephone number is (336)582-7142.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Terry D. Combs
Acting Regional Director

By:

A handwritten signature in black ink, appearing to read "Thompson", with a long horizontal flourish extending to the right.

Scott C. Thompson
Officer in Charge

Enclosure: Copy of Charge

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

AFSCME LOCAL 77 (DUKE HOSPITAL)

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 10-CB-260225

AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION

I, the undersigned employee of the National Labor Relations Board, state under oath that on **May 12, 2020**, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

AFSCME Local 77
1823 Chapel Hill Rd B
Durham, NC 27707

May 12, 2020

Date

Kevin S. Crawford, Designated Agent of NLRB

Name

/s/ Kevin S. Crawford

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210



Download
NLRB
Mobile App

May 12, 2020

(b) (6), (b) (7)(C)

Re: AFSCME Local 77 (Duke Hospital)
Case 10-CB-260225

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on May 11, 2020 has been docketed as case number 10-CB-260225. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JENNIFER G. CORBIN whose telephone number is (336)582-7131. If this Board agent is not available, you may contact Deputy Regional Attorney LISA R. SHEARIN whose telephone number is (336)582-7142.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Terry D. Combs
Acting Regional Director

By:

A handwritten signature in black ink, appearing to read "Scott C. Thompson", written over a light blue rectangular background.

Scott C. Thompson
Officer in Charge



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
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Download
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May 12, 2020

Alex Sadaria
Duke Hospital
2301 Erwin Rd
Durham, NC 27710

Re: AFSCME Local 77 (Duke Hospital)
Case 10-CB-260225

Dear Alex Sadaria:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JENNIFER G. CORBIN whose telephone number is (336)582-7131. If this Board agent is not available, you may contact Deputy Regional Attorney LISA R. SHEARIN whose telephone number is (336)582-7142.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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May 12, 2020

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Terry D. Combs
Acting Regional Director

By:

A handwritten signature in black ink, appearing to read "Thompson", with a long horizontal flourish extending to the right.

Scott C. Thompson
Officer in Charge

Enclosures

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

10-CB-260225

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

American Federation of State, County and Municipal
Employees, Local 77 (Duke University)

and

CASE 10-CB-260225

☐ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

AFSCME Local 77

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Narendra K. Ghosh

MAILING ADDRESS: Patterson Harkavy LLP
100 Europa Dr., Ste. 420, Chapel Hill, NC 25717

E-MAIL ADDRESS: nghosh@pathlaw.com

OFFICE TELEPHONE NUMBER: 919-942-5200

CELL PHONE NUMBER: _____ FAX: 866-397-8671

SIGNATURE: _____

(Please sign in ink.)

DATE: 5/18/2020

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

From: [Narendra Ghosh](#)
To: [Corbin, Jennifer](#)
Subject: RE: 10-CB-260225 AFSCME Local 77
Date: Friday, May 15, 2020 8:30:04 PM
Attachments: (b) (6), (b) (7)(C) [Grievance.pdf](#)

Jennifer – Yes, a grievance was filed; see attached. The grievance was denied at step 2. The Union has pushed it to step 3. The step 3 hearing has not been scheduled yet.

Regards,
Narendra

Narendra K. Ghosh
Patterson Harkavy LLP
100 Europa Dr., Ste. 420
Chapel Hill, NC 27517
(919) 942-5200
(866) 397-8671 fax
www.pathlaw.com

Confidentiality Notice If you are not the intended recipient of this message, you are not authorized to intercept, read, print, retain, copy, forward, or disseminate this communication. This communication may contain information that is proprietary, attorney/client privileged, attorney work product, confidential or otherwise legally exempt from disclosure. If you have received this message in error, please notify the sender immediately either by phone, (919) 942-5200, or by return email and destroy all copies of this message (electronic, paper, or otherwise). Thank you.

From: Corbin, Jennifer <Jennifer.Corbin@nrlrb.gov>
Sent: Wednesday, May 13, 2020 4:01 PM
To: Narendra Ghosh <nghosh@pathlaw.com>
Subject: 10-CB-260225 AFSCME Local 77

Narendra-

Can you tell me if the Union has a grievance filed for (b) (6), (b) (7)(C) regarding (b) (6) termination?

Thank you-

Jennifer Corbin, Board Agent
National Labor Relations Board, Subregion 11
4035 University Parkway, Suite 200
Winston-Salem, NC 27106
336.582.7131 Office
336.631.5210 Fax



LOCAL 77 GRIEVANCE FORM

GRV_: (b) (6), (b) (7)(C) -20

DATE_FILED (b) (6), (b) (7)(C)/2020

Grievance ID#: (b) (6), (b) (7)(C)

Union Rep

(b) (6), (b) (7)(C)

FIRST: (b) (6), (b) (7)(C)

LAST:

(b) (6), (b) (7)(C)

Dept

EVS North

The Union contends management violated Article(s):

13 Disciplinary Action

and other applicable contract provisions.

Issue 1: Whether Grievant was disciplined for just cause - did Grievant violate Duke University Work Rule # 13?

Issue 2:

Issue 3:

Issue 4:

Remedy:

Grievant is reinstated with back pay, disciplinary action is removed from the file and Grievant is otherwise made whole including, unit of assignment, primary work area, and shift.

Step 1:

steward

Supervisor

Date Held

Refer to Step 2:

YES

☐

NO

☐

Date

(b) (6), (b) (7)(C)

2020

Step 2:

Management action upheld

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Date Held

2020

Refer to Step 3:

YES

☒

NO

☐

Date

May 5, 2020

(b) (6), (b) (7)(C)

Employee/Union Representative

DUKE UNIVERSITY
NOTICE OF DISCIPLINARY ACTION

LOCAL UNION 77

EMPLOYEE (b) (6), (b) (7)(C) DATE (b) (6), (b) (7)(C) 2020

SUPERVISOR (b) (6), (b) (7)(C) DEPT Environmental Services

You are being given this: ORAL WARNING XXX SUSPENSION
Final Written Warning
in lieu of Suspension
(circle one)
 WRITTEN WARNING DISCHARGE

Disciplinary Action for the reason(s) indicated below:

VIOLATION OF WORK RULE #13 Falsifying University records, including intentional failure to accurately
record time records, or registering the time card of another employee without proper authorization

(b) (6), (b) (7)(C), you are hereby suspended with pay pending investigation for an occurrence that occurred
on (b) (6), (b) (7)(C) 2020.

In the event of a future infraction you may be subject to: Discharge

IMPORTANT NOTICE;

Any employee signing the Disciplinary Action form acknowledges receipt only and does not warrant or imply the he/she agrees with the action taken by management.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Refused to sign - (b) (6), (b) (7)(C)
Employee

This notice will be filed in the employee's personnel folder.

Please check to indicate (b) (6), (b) (7)(C) provided to:

 Union Steward (Should initial receipt)

Date received (b) (6), (b) (7)(C) 20

 Employee (Should be provided to
employee at the time of issuance)

Date received

 Labor Relations

Date mailed

 Department personnel file

Date filed

****Please mail a copy to Labor Relations as soon as possible. Labor Relations will forward a copy to the Union.**

**DUKE UNIVERSITY
NOTICE OF DISCIPLINARY ACTION**

EMPLOYEE (b) (6), (b) (7)(C) LOCAL UNION 77
DATE (b) (6), (b) (7)(C) 2020
SUPERVISOR (b) (6), (b) (7)(C) DEPT Environmental Services
You are being given this: _____ ORAL WARNING _____ SUSPENSION
Final Written Warning
in lieu of Suspension
(circle one)
_____ WRITTEN WARNING XXX DISCHARGE

Disciplinary Action for the reason(s) indicated below:

VIOLATION OF WORK RULE #13 Falsifying University records, including intentional failure to accurately record time records, or registering the time card of another employee without proper authorization

On (b) (6), (b) (7)(C), 2020 employee shown in API as being clocked in from 21:11pm and out at 7:36pm on (b) (6), (b) (7)(C) for approved overtime in North PACU. Employee not at shift start or huddle. Rounded at 1:20am & 2:30am, machine remained in front of the EVS Closet at PACU not being moved. Area was not completed. Employee not seen the entire shift. Spoke with employee at 7:30am on (b) (6), (b) (7)(C), stated no one told (b) (6), (b) (7)(C) PACU was moving.

In the event of a future infraction you may be subject to: Discharge

IMPORTANT NOTICE;

Any employee signing the Disciplinary Action form acknowledges receipt only and does not warrant or imply the he/she agrees with the action taken by management.

(b) (6), (b) (7)(C)

Refused to sign -
Employee

(b) (6), (b) (7)(C)

This notice will be filed in the employee's personnel folder.

Please check to indicate copies provided to:

<u>(b) (6), (b) (7)(C)</u>	Union Steward (Should initial receipt)	Date received <u>(b) (6), (b) (7)(C)</u> <u>20</u>
_____	Employee (Should be provided to employee at the time of issuance)	Date received _____
_____	Labor Relations	Date mailed _____
_____	Department personnel file	Date filed _____

**Please mail a copy to Labor Relations as soon as possible. Labor Relations will forward a copy to the Union.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

5/5/20

To: (b) (6), (b) (7)(C) >

I Received The 2nd Step Grievance form Now I want a copy of the 2...

I Received The 2nd Step Grievance form Now I want a copy of the 2 step Decision made to keep me terminated.. I Recognize your name (b) (6), (b) (7)(C) on the form but I don't recognize who signed off on management side Dept, Manager/ head who is that person's name??? I know everybody name who was in the room..

Sent from my iPhone



(b) (6), (b) (7)(C)

5/5/20

To: **(b) (6), (b) (7)(C)**@local-77.... >

I Received The 2nd Step Grievance form Now I want a copy of the 2...

I Received The 2nd Step Grievance form Now I want a copy of the 2 step Decision made to keep me terminated.. I Recognize your name **(b) (6), (b) (7)(C)** on the form but I don't recognize who signed off on management side Dept, Manager/ head who is that person's name??? I know everybody name who was in the room..

Sent from my iPhone

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

5/3/20

To: (b) (6), (b) (7)(C)@afscme.org >

**I understand the 3 Step
Grievance might be
extended but How Long...**

**I understand the
3**

Step Grievance

**might be
extended but
How Long? I
need a Date time
and a place...**

September

Today

<<

<

>

>>

2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
OUT 07:29 IN 23:20	DGHOL OUT 07:30	IN 22:53	OUT 07:34 IN 18:24	OUT 07:44 IN 19:00	OUT 07:31	
8	9	10	11	12	13	14
IN 22:51	OUT 07:30 IN 18:59	OUT 07:38 IN 22:56	OUT 07:30 IN 18:14	OUT 07:30 IN 19:23	OUT 07:30	
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	1	2	3	4	5
IN 23:00 AD	OUT 07:30 AD IN 23:00 AD	OUT 07:30 AD IN 23:00 AD	OUT 07:30 AD IN 23:00 AD	OUT 07:30 AD IN 23:00	OUT 07:32	
6	7	8	9	10	11	12

<<

<

October 2019

>

>>

Today

Sun	Mon	Tue	Wed	Thu	Fri	Sat
29	30	1	2	3	4	
	IN 23:00 AD	OUT 07:30 AD IN 23:00 AD	OUT 07:30 AD IN 23:00 AD	OUT 07:30 AD IN 23:00	OUT 07:32	
6	7	8	9	10	11	
IN 22:50	OUT 07:34 IN 22:58	OUT 07:31 IN 22:58	OUT 08:15 IN 23:00	OUT 07:36 IN 22:57	OUT 07:32	
13	14	15	16	17	18	
IN 22:56	OUT 07:36 IN 22:57	OUT 07:35 IN 22:59	BDAY OUT 07:34	IN 22:59	OUT 07:35	
20	21	22	23	24	25	
IN 22:52	OUT 07:30 IN 22:51	OUT 07:35 IN 22:54	OUT 07:31 IN 22:54	OUT 07:57 IN 22:50	OUT 07:34	
27	28	29	30	31		1
IN 22:56	OUT 07:40 IN 22:56	OUT 07:32 IN 22:55	OUT 07:38 IN 22:57	SICK OUT 07:38		
3	4	5	6	7	8	
SICK	IN 22:56	OUT 07:43 IN 22:52	OUT 07:32 IN 22:52	OUT 07:32 IN 23:00	OUT 07:43	

Sun	Mon	Tue	Wed	Thu	Fri	Sat
27	28	29	30	31	1	
IN 22:56 ...	OUT 07:40 IN 22:56 ...	OUT 07:32 IN 22:55 ...	OUT 07:38 IN 22:57 ...	SICK ... OUT 07:38		
3	4	5	6	7	8	
SICK ...	IN 22:56 ...	OUT 07:43 IN 22:52 ...	OUT 07:32 IN 22:52 ...	OUT 07:32 IN 23:00 ...	OUT 07:43	
10	11	12	13	14	15	
IN 22:50 ...	SICK ... OUT 07:54	IN 22:52 ...	OUT 07:50 IN 22:57 ...	OUT 07:32 IN 22:55 ...	OUT 07:39	
17	18	19	20	21	22	
IN 22:51 ...	OUT 07:46 IN 22:46 ...	OUT 07:45 IN 21:44 ...	OUT 06:39 IN 22:51 ...	OUT 07:42 IN 21:00 ...	OUT 07:32 IN 21:39 ...	OUT 07:06
24	25	26	27	28	29	
IN 22:50 ...	OUT 07:32 IN 21:24 ...	OUT 07:32 IN 22:46 ...	OUT 07:35 IN 22:49 ...	DGHOL ... OUT 07:33 IN 22:52 ...	DGHOL ... OUT 07:30 IN 23:16 ...	OUT 07:29 IN 21:33
1	2	3	4	5	6	
OUT 06:01 IN 22:50 ...	OUT 07:34 IN 22:53 ...	OUT 07:32 IN 22:58 ...	OUT 07:37 IN 22:52 ...	OUT 07:40 IN 22:57 ...	OUT 08:10	



December 2019



Sun	Mon	Tue	Wed	Thu	Fri	Sat
1 OUT 06:01 IN 22:50 ...	2 OUT 07:34 IN 22:53 ...	3 OUT 07:32 IN 22:58 ...	4 OUT 07:37 IN 22:52 ...	5 OUT 07:40 IN 22:57 ...	6 OUT 08:10	7
8 IN 22:51 ...	9 OUT 07:39 IN 23:22 ...	10 OUT 07:31 IN 22:52 ...	11 OUT 07:34 IN 22:55 ...	12 OUT 07:44 IN 19:01 ...	13 OUT 07:46	14
15 IN 22:50 ...	16 OUT 07:57 IN 22:54 ...	17 OUT 07:30 IN 22:54 ...	18 OUT 07:34 IN 22:47 ...	19 OUT 07:30 IN 22:53 ...	20 OUT 07:35 IN 22:40 ...	21 OUT 07:55 IN 22:10 ...
22 OUT 07:52 IN 22:44 ...	23 OUT 07:45 IN 22:48 ...	24 DGHOL ... OUT 07:48 IN 22:55 ...	25 DGHOL ... OUT 07:43 IN 23:00 ...	26 DGHOL ... OUT 07:34 IN 23:01 ...	27 OUT 07:30 IN 22:01 ...	28 OUT 07:36 IN 20:38 ...
29 OUT 07:42 IN 22:55 ...	30 OUT 07:34 IN 23:00 ...	31 DGHOL ... OUT 08:24 IN 22:56 ...	1 DGHOL ... OUT 07:33 IN 23:00 ...	2 OUT 07:33 IN 22:55 ...	3 OUT 07:39	4
5 IN 22:54 ...	6 OUT 07:40 IN 22:52 ...	7 OUT 07:39 IN 22:57 ...	8 OUT 07:43 IN 22:54 ...	9 OUT 07:37 IN 22:53 ...	10 OUT 07:44	11

<< < January 2020 > >>

Today

Sun	Mon	Tue	Wed	Thu	Fri	Sat
29	30	31	1	2	3	4
OUT 07:42 IN 22:5...	OUT 07:34 IN 23:0...	DGH... OUT 08:24 IN 22:5...	DGH... OUT 07:33 IN 23:0...	OUT 07:33 IN 22:5...	OUT 07:39	
5	6	7	8	9	10	11
IN 22:5...	OUT 07:40 IN 22:5...	OUT 07:39 IN 22:5...	OUT 07:43 IN 22:5...	OUT 07:37 IN 22:5...	OUT 07:44	
12	13	14	15	16	17	18
IN 22:5...	OUT 07:31 IN 22:5...	OUT 07:32 IN 22:5...	OUT 07:32 IN 22:5...	OUT 07:30 IN 22:5...	OUT 07:37 IN 21:5...	OUT 07:34
19	20	21	22	23	24	25
IN 22:5...	OUT 07:37 IN 22:5...	OUT 07:44 IN 22:5...	OUT 07:43 IN 22:5...	OUT 07:40 IN 22:5...	OUT 07:35	
26	27	28	29	30	31	1
IN 22:5...	OUT 07:41 IN 22:5...	OUT 07:32 IN 22:5...	VAC... OUT 07:39	IN 23:0...	OUT 07:40	
2	3	4	5	6	7	8
IN 22:5...	OUT 07:42 IN 23:0...	OUT 07:46 IN 23:0...	OUT 07:43 IN 23:0...	OUT 07:38 IN 22:5...	OUT 07:35	

February 2020



Today

	Mon	Tue	Wed	Thu	Fri	Sat
26	27	28	29	30	31	1
	OUT 07:41 IN 22:53	OUT 07:32 IN 22:59	VAC OUT 07:39	IN 23:02	OUT 07:40	
2	3	4	5	6	7	8
	OUT 07:42 IN 23:01	OUT 07:46 IN 23:01	OUT 07:43 IN 23:02	OUT 07:38 IN 22:53	OUT 07:35	
9	10	11	12	13	14	15
	OUT 07:47 IN 23:03	OUT 07:35 IN 22:58	OUT 07:44 IN 22:54	OUT 08:01 IN 23:00	OUT 07:43	IN 08:30 OUT 16:29
5	17	18	19	20	21	22
	OUT 07:41 IN 22:54	OUT 07:38 IN 22:51	OUT 07:37 IN 23:01	OUT 07:32 IN 22:57	OUT 07:46	
6	24	25	26	27	28	29
	OUT 07:36 IN 22:49	OUT 07:36 IN 23:00	OUT 07:33 IN 23:00	OUT 07:34 IN 23:01	OUT 07:35 IN 21:34	OUT 14:06 IN 21:50
	2	3	4	5	6	7
	OUT 07:36 IN 23:00	OUT 07:31 IN 23:02	OUT 07:34 IN 23:03	SICK OUT 07:32		



March 2020



Today

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
OUT 14:00 IN 23:0...	OUT 07:36 IN 23:0...	OUT 07:31 IN 23:0...	OUT 07:34 IN 23:0...	SICK ... OUT 07:32		
8	9	10	11	12	13	14
IN 23:0...	OUT 07:55 IN 22:5...	OUT 07:57 IN 22:5...	OUT 07:46 IN 22:5...	OUT 07:32 IN 22:5...	OUT 07:36 IN 23:0...	OUT 07:39 IN 17:2... OUT 20:00
15	16	17	18	19	20	21
IN 13:4... OUT 22:53	IN 22:5...	OUT 07:42 IN 23:0...	OUT 08:29 IN 23:0...	OUT 07:37 IN 23:0...	OUT 08:12	
22	23	24	25	26	27	28
IN 22:5...	OUT 07:31 IN 22:5...	OUT 07:37 IN 23:0...	OUT 07:47 IN 22:5...	OUT 07:30 IN 22:5...	OUT 07:34 IN 21:1...	OUT 07:36
29	30	31	1	2	3	4
IN 22:5...	OUT 07:45 IN 22:5...	OUT 07:40 IN 23:0...	OUT 07:33 IN 22:5... AD	OUT 07:30 AD IN 23:0... AD	OUT 07:30 AD	
5	6	7	8	9	10	11
IN 23:0...	OUT 07:30 AD IN 23:0... AD	OUT 07:30 AD IN 23:0... AD	OUT 07:30 AD IN 23:0... AD	OUT 07:30 AD IN 23:0... AD	OUT 07:30 AD	

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

5/5/20

To:

(b) (6), (b) (7)(C)

@local-77.org >

Re: Decision form

The Managers name under
Dept, Manager/head That doesn't
look like the name of anybody that
was in the room with us on the
Grievance who's name is it???

Sent from my iPhone

On May 5, 2020, at 11:58 AM,

(b) (6), (b) (7)(C)

@local-77.org"

(b) (6), (b) (7)(C)

<@local-77.org> wrote:

(b) (6), (b) (7)(C)

, I'm not sure what you're stating
you want; however, I've giving you what I
have.

Thanks,

From: [Narendra Ghosh](#)
To: [Corbin, Jennifer](#)
Subject: RE: 10-CB-260225 AFSCME Local 77
Date: Wednesday, May 20, 2020 11:56:21 AM

(b) (6), (b) (7)(C) was terminated for violating Duke University work rule #13; Falsifying University including intentional failure to accurately record time records, or registering the time card of another employee without proper authorization.

The Union and Duke are working on scheduling Step 3 hearings, but they haven't happened yet. The logistics of holding such hearings are significantly affected by the pandemic. The Union and Duke are trying to work through those issues.

Regards,
Narendra

Narendra K. Ghosh
Patterson Harkavy LLP
100 Europa Dr., Ste. 420
Chapel Hill, NC 27517
(919) 942-5200
(866) 397-8671 fax
www.pathlaw.com

Confidentiality Notice If you are not the intended recipient of this message, you are not authorized to intercept, read, print, retain, copy, forward, or disseminate this communication. This communication may contain information that is proprietary, attorney/client privileged, attorney work product, confidential or otherwise legally exempt from disclosure. If you have received this message in error, please notify the sender immediately either by phone, (919) 942-5200, or by return email and destroy all copies of this message (electronic, paper, or otherwise). Thank you.

From: Corbin, Jennifer <Jennifer.Corbin@nlrb.gov>
Sent: Monday, May 18, 2020 8:04 AM
To: Narendra Ghosh <nghosh@pathlaw.com>
Subject: RE: 10-CB-260225 AFSCME Local 77

Any idea if when the step 3 hearing will be?
What is (b) (6), (b) (7)(C) accused of that resulted in (b) (6) discharge?

From: Narendra Ghosh <nghosh@pathlaw.com>
Sent: Friday, May 15, 2020 9:30 PM
To: Corbin, Jennifer <Jennifer.Corbin@nlrb.gov>
Subject: RE: 10-CB-260225 AFSCME Local 77

Jennifer – Yes, a grievance was filed; see attached. The grievance was denied at step 2. The Union has pushed it to step 3. The step 3 hearing has not been scheduled yet.

Regards,
Narendra

Narendra K. Ghosh

Patterson Harkavy LLP
100 Europa Dr., Ste. 420
Chapel Hill, NC 27517
(919) 942-5200
(866) 397-8671 fax
www.pathlaw.com

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From: Corbin, Jennifer <Jennifer.Corbin@nlrb.gov>
Sent: Wednesday, May 13, 2020 4:01 PM
To: Narendra Ghosh <nghosh@pathlaw.com>
Subject: 10-CB-260225 AFSCME Local 77

Narendra-

Can you tell me if the Union has a grievance filed for (b) (6), (b) (7)(C) regarding (b) (6) termination?

Thank you-

Jennifer Corbin, Board Agent
National Labor Relations Board, Subregion 11
4035 University Parkway, Suite 200
Winston-Salem, NC 27106
336.582.7131 Office
336.631.5210 Fax

From: [Narendra Ghosh](#)
To: [Corbin, Jennifer](#)
Subject: RE: 10-CB-260225
Date: Thursday, May 28, 2020 8:07:33 PM

Jennifer – That is the Union's old mailing address. Their current mailing address is 3326 Durham-Chapel Hill Blvd, Suite A-130, Durham, 27707.

Regards,
Narendra

Narendra K. Ghosh
Patterson Harkavy LLP
100 Europa Dr., Ste. 420
Chapel Hill, NC 27517
(919) 942-5200
(866) 397-8671 fax
www.pathlaw.com

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From: Corbin, Jennifer <Jennifer.Corbin@nlrb.gov>
Sent: Wednesday, May 27, 2020 3:50 PM
To: Narendra Ghosh <nghosh@pathlaw.com>
Subject: 10-CB-260225

A copy of the mailed charge was returned to us. Is there a better address we should have for the Union?

Thanks!

Jennifer Corbin, Board Agent
National Labor Relations Board, Subregion 11
4035 University Parkway, Suite 200
Winston-Salem, NC 27106
336.582.7131 Office
336.631.5210 Fax

From: [Narendra Ghosh](#)
To: [Corbin, Jennifer](#)
Subject: AFSCME 77 and Terrance Powell
Date: Monday, July 13, 2020 1:05:45 PM
Attachments: [Outlook-kpbwemud.png](#)

Jennifer -- See below.

Narendra K. Ghosh
Patterson Harkavy LLP
100 Europa Dr., Ste. 420
Chapel Hill, NC 27517
(919) 942-5200
(866) 397-8671 fax
www.pathlaw.com

Confidentiality Notice If you are not the intended recipient of this message, you are not authorized to intercept, read, print, retain, copy, forward, or disseminate this communication. This communication may contain information that is proprietary, attorney/client privileged, attorney work product, confidential or otherwise legally exempt from disclosure. If you have received this message in error, please notify the sender immediately either by phone, (919) 942-5200, or by return email and destroy all copies of this message (electronic, paper, or otherwise). Thank you.

From: (b) (6), (b) (7)(C) on behalf of (b) (6), (b) (7)(C)@local-77.org (b) (6), (b) (7)(C)@local-77.org>
Sent: Monday, July 13, 2020 2:02 PM
To: (b) (6), (b) (7)(C)
Subject: Second Step Decision

(b) (6), (b) (7)(C),

The Official from Duke that signed your Second step Grievance document was (b) (6), (b) (7)(C) which was the Hearing Officer.

(b) (6), (b) (7)(C)

AFSCME Local-77

C: (b) (6), (b) (7)(C)

E: (b) (6), (b) (7)(C)@local-77.org



From: (b) (6), (b) (7)(C)
To: [Corbin, Jennifer](#)
Subject: Fwd: Second Step Decision
Date: Tuesday, July 14, 2020 4:53:29 PM
Attachments: [Outlook-kpbwemud.png](#)

(b) (6), (b) (7)(C) sent this to me yesterday (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) was the name that was On the second step decision form dept/head Manager as you can see on the original copy it's another name who nobody can identify that's not (b) (6), (b) (7)(C) name this was a false document that they sent and now there trying to cover it up

Sent from my iPhone

Begin forwarded message:

From: (b) (6), (b) (7)(C)@local-77.org" (b) (6), (b) (7)(C)@local-77.org>
Date: July 13, 2020 at 2:02:56 PM EDT
To: (b) (6), (b) (7)(C)
Subject: Second Step Decision

(b) (6), (b) (7)(C),

The Official from Duke that signed your Second step Grievance document was (b) (6), (b) (7)(C) which was the Hearing Officer.

(b) (6), (b) (7)(C)

AFSCME Local-77

C: (b) (6), (b) (7)(C)

E: (b) (6), (b) (7)(C)@local-77.org





UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210

June 2, 2020

(b) (6), (b) (7)(C)

Re: Duke Hospital
Case 10-CA-259740 and

AFSCME Local 77
Case 10-CB-260225

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charges that Duke Hospital and AFSCME Local 77 have violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charges because there is insufficient evidence to establish a violation of the Act.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact E-File@NLRB.gov).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **June 16, 2020**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than June 15, 2020. **If an appeal is postmarked or given to a delivery**

AFSMCE Local 77
Case 10-CB-260225


service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before June 16, 2020.** The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after June 16, 2020, **even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

TERRY D. COMBS
Acting Regional Director

By: 
SCOTT C. THOMPSON
Officer-in-Charge

Enclosure

AFSMCE Local 77
Case 10-CB-260225

cc: Alex Sadaria, Representative
Duke Hospital
2301 Erwin Rd
Durham, NC 27710

C. Thomas Davis, Attorney
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
401 Commerce Street, Suite 1200
Nashville, TN 37219-2491

(b) (6), (b) (7)(C)
AFSCME Local 77
3326 Durham-Chapel Hill Blvd
Suite A-130
Durham, NC 27707

Narendra K. Ghosh, Attorney
Patterson Harkavy LLP
100 Europa Dr Ste 420
Chapel Hill, NC 27517-2372

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)

From: [Corbin, Jennifer](#)
To: (b) (6), (b) (7)(C)
Subject: RE: Duke 10-CA-259740 AFSCME Local 77 10-CB-260225
Date: Monday, June 8, 2020 4:39:47 PM
Attachments: [DIS.10-CA-259740.C Case Dismissal Letter \(1\).docx](#)

This letter was sent in the regular mail you to as well.

From: Corbin, Jennifer
Sent: Tuesday, June 2, 2020 1:56 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Duke 10-CA-259740 AFSCME Local 77 10-CB-260225

The dismissal letter should be in the mail to you today.

From: (b) (6), (b) (7)(C)
Sent: Tuesday, June 2, 2020 1:54 PM
To: Corbin, Jennifer <Jennifer.Corbin@nlrb.gov>
Subject: Re: Duke 10-CA-259740 AFSCME Local 77 10-CB-260225

Hey you still are appealing the letter correct?

Sent from my iPhone

On Jun 1, 2020, at 12:30 PM, Corbin, Jennifer <Jennifer.Corbin@nlrb.gov> wrote:

I just tried calling and got a message that your phone is not taking calls.
Please give me a call when you can.

Thank you-

Jennifer Corbin, Board Agent
National Labor Relations Board, Subregion 11
4035 University Parkway, Suite 200
Winston-Salem, NC 27106
336.582.7131 Office

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Thursday, May 28, 2020 9:13 AM
To: Corbin, Jennifer <Jennifer.Corbin@nlrb.gov>
Subject: Re: Duke 10-CA-259740 AFSCME Local 77 10-CB-260225

Ok thank you!

Sent from my iPhone

On May 27, 2020, at 3:46 PM, Corbin, Jennifer
<Jennifer.Corbin@nrlrb.gov> wrote:

(b) (6), (b) (7)(C), (b) (7)(D)

I will meet with the committee about your cases soon and let you know their response.

Thank you-

From: Corbin, Jennifer
Sent: Wednesday, May 27, 2020 1:20 PM
To: (b) (6), (b) (7)(C), (b) (7)(D)
Subject: RE: Duke 10-CA-259740 AFSCME Local 77 10-CB-260225

Jennifer Corbin, Board Agent
National Labor Relations Board, Subregion 11
4035 University Parkway, Suite 200
Winston-Salem, NC 27106
336.582.7131 Office
336.631.5210 Fax

From: Corbin, Jennifer
Sent: Tuesday, May 26, 2020 9:15 AM
To: (b) (6), (b) (7)(C), (b) (7)(D)
Subject: RE: Duke 10-CA-259740 AFSCME Local 77 10-CB-260225

(b) (6), (b) (7)(C), (b) (7)(D)

Thanks-

From: Corbin, Jennifer
Sent: Wednesday, May 20, 2020 3:58 PM
To: (b) (6), (b) (7)(C), (b) (7)(D)
Subject: Duke 10-CA-259740 AFSCME Local 77 10-CB-260225

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS

<image002.jpg>

BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-
3275


Agency Website:
www.nlr.gov
Telephone: (336)631-
5201
Fax: (336)631-5210

Re: Duke Hospital
Case 10-CA-
259740

AFSCME Local
77 (Duke
Hospital)
Case 10-CB-
260225

Dear (b) (6), (b) (7)(C), (b) (7)(D) :

(b) (6), (b) (7)(C), (b) (7)(D)



Thank you very much for your anticipated cooperation.

If you have any questions concerning this letter, please contact me at
(336)582-7131.

Jennifer Corbin, Board Agent
National Labor Relations Board, Subregion 11
4035 University Parkway, Suite 200
Winston-Salem, NC 27106
336.582.7131 Office
336.631.5210 Fax

I Want to Appeal this Decsion I was Terminated & Discharged on (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) 2020 Duke & the Union sent me a A False copy of the Grievance form also the name who signed off on the paper work I received I don't recognize the individual signature where it states Dept/Head Manager I was familiar with everybody who was In the room and Non of the Names Match who signed off on the document so I believe that's a False document that needs to seriously be looked into..Keep Me I Need to know who signed off on it.. I Also so have Live Videos of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) coming to a employee asking for statement to use against me the same week (b) (6), (b) (7)(C) Terminate me from my job..

**Hello My Video Evidence
is to large of a size to
upload through E-filing I
tried but it denied it just
giving you a heads up is
there any other way that
I can send my audio
video?**



LOCAL 77 GRIEVANCE FORM

GRV #: (b) (6), 20 DATE FILED (b) (6), 2020 Grievance ID#: (b) (6), (b) (7)(C) Union Rep (b) (6), (b) (7)(C)
FIRST: (b) (6), (b) (7) LAST: (b) (6), (b) (7)(C) Dept EVS North

The Union contends management violated Article(s):

13 Disciplinary Action

and other applicable contract provisions.

Issue 1: Whether Grievant was disciplined for just cause - did Grievant violate Duke University Work Rule # 13?
Issue 2:

Issue 3: Issue 4:

Remedy:

Grievant is reinstated with back pay, disciplinary action is removed from the file and Grievant is otherwise made whole including, unit of assignment, primary work area, and shift.

Step 1:

Steward Supervisor Date Held
Refer to Step 2: YES ☐ NO ☐ Date (b) (6), (b) (7)(C) 2020
Step 2: Management action upheld

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 2020
(b) (6), (b) (7)(C)
Refer to Step 3: YES ☒ NO ☐ Date (b) (6), (b) (7)(C) 2020
(b) (6), (b) (7)(C)

Employee/Union Representative



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

CORRECTED COPY

June 12, 2020

(b) (6), (b) (7)(C)

Re: Duke Hospital
Case 10-CA-259740

AFSCME Local 77 (Duke Hospital)
Case 10-CB-260225

Dear (b) (6), (b) (7)(C):

We have received your appeal and accompanying material. We will assign it for processing in accordance with Agency procedures, which include review of the investigatory file and your appeal in light of current Board law. We will notify you by email, if an email address is provided, and all other involved parties as soon as possible of our decision.

Sincerely,

Peter Barr Robb
General Counsel

A handwritten signature in dark ink, reading "Mark E. Arbesfeld", is positioned above a horizontal line.

By: _____

Mark E. Arbesfeld, Director
Office of Appeals

cc: TERRY D. COMBS
ACTING REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
233 PEACHTREE ST NE
HARRIS TOWER STE 1000
ATLANTA, GA 30303-1504

ALEX SADARIA
DUKE HOSPITAL
2301 ERWIN RD
DURHAM, NC 27710

(b) (6), (b) (7)(C)
AFSCME LOCAL 77
3326 DURHAM-CHAPEL HILL BLVD
STE A-130
DURHAM, NC 27707

SCOTT C. THOMPSON
OFFICER IN CHARGE
NATIONAL LABOR RELATIONS
BOARD
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WINSTON SALEM, NC 27106-3275

C. THOMAS DAVIS, ESQ.
OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P.C.
401 COMMERCE ST STE 1200
NASHVILLE, TN 37219-2491

NARENDRA K. GHOSH, ESQ.
PATTERSON HARKAVY LLP
100 EUROPA DR STE 420
CHAPEL HILL, NC 27517-2372

kh

From: [Arbesfeld, Mark](#)
To: (b) (6), (b) (7)(C)
Subject: Duke Hospital, Case 10-CA-259740
Date: Friday, June 19, 2020 4:51:00 PM

Dear (b) (6), (b) (7)(C):

I tired contacting you by telephone to address your concerns regarding providing additional evidence in support of your appeal in this matter. Please try again to upload the evidence on the e-filing portion of our website, if unsuccessful please contact me and we can discuss alternatives for you to submit the evidence.

Mark E. Arbesfeld, Director
Office of Appeals
National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570
(202) 273-0600



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

July 21, 2020

(b) (6), (b) (7)(C)

Re: Duke Hospital
Case 10-CA-259740

AFSCME Local 77 (Duke Hospital)
Case 10-CB-260225

Dear (b) (6), (b) (7)(C):

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied.

As to your charge against the Employer, the evidence fails to establish it took adverse action against you for your protected activity, in violation of Section 8(a)(1) of the National Labor Relations Act (Act). In that regard, to determine whether an employer's adverse action against an employee was discriminatorily motivated, the General Counsel must demonstrate by a preponderance of the evidence that the employee's protected activity was a motivating factor for the adverse decision; only after such showing is established, the inquiry turns into whether the employer would have taken the same action in the absence of the protected conduct. See *Wright Line*, 251 NLRB 1083 (1980), enfd. 662 F.2d 899 (1st Cir. 1981), cert. denied 455 U.S. 989 (1982). Here, the evidence did not establish that the Employer's decision was based on your alleged protected concerted activities, or that of other individuals but rather work-related reasons. We determined that there was insufficient evidence to establish a causal link between the Employer's adverse actions and your alleged protected concerted activities. Instead, the Employer had legitimate independent reasons for its decisions, and it would have taken the same action even in the absence of any alleged protected conduct on your part.

As to your charge against the Union, you alleged that the Union violated Section 8(b)(1)(A) of the Act by failing to fairly represent you regarding the processing of your grievance(s) against the Employer. The evidence, however, was insufficient to establish a violation.

While a union owes employees a duty of fair representation about disputes arising with an employer, a union is also afforded a wide range of reasonableness in carrying out this duty and a breach occurs only when the union's conduct is based upon arbitrary, irrelevant or discriminatory considerations. See *Vaca v. Sipes*, 386 U.S. 171 (1967); *Ford Motor Co. v. Huffman*, 345 U.S. 330 (1953). In this case, the investigation did not establish that the Union handled your grievance in an unlawful manner. Rather, the evidence indicated that the Union continues to process your grievance. While you question the legitimacy of the grievance document, the probative evidence does not support finding that the Union's actions are misleading or unlawful, and the Union has provided you the information regarding the grievance that you requested. In these circumstances, the evidence fails to establish that the Union's processing of your grievance is based upon any unlawful considerations. Accordingly, your appeal is denied.

Sincerely,

Peter Barr Robb
General Counsel



By:

Mark E. Arbesfeld, Director
Office of Appeals

cc: LISA HENDERSON
ACTING REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
233 PEACHTREE ST NE
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